

§ 20.502 Settlement.

(a) The parties shall have the opportunity to submit a proposed settlement to the Administrative Law Judge.

(b) A settlement must be in the form of a proposed decision and a motion for its entry. It must also include the reasons why it should be accepted, and it must be signed by the parties or their representatives.

(c) A proposed settlement must contain—

(1) An admission of all jurisdictional facts;

(2) An express waiver of further procedural steps before the Administrative Law Judge, of any right to challenge or contest the validity of the decision entered into in accordance with the settlement, and of all rights to seek judicial review or otherwise to contest the validity of the decision;

(3) A statement that the decision will have the same force and effect as a decision made after at a full hearing; and

(4) A statement that matters in the pleading, if any, required to be adjudicated have been resolved by the proposed decision.

§ 20.503 Alternative dispute resolution.

The Administrative Law Judge may appoint a settlement adjudicator or order alternative dispute resolution proceeding with the consent of all parties.

Subpart F—Discovery**§ 20.601 General.**

(a) Unless otherwise ordered by the Administrative Law Judge, each party and interested person who has filed written notice of intent to present evidence under § 20.404 shall make available to all other parties, to the Administrative Law Judge and, upon request, to interested persons—

(1) The names of any expert and other witnesses intended to be called, together with a brief narrative summary of their expected testimony or written testimony; and

(2) Copies of all documents and exhibits which are to be introduced into evidence.

(b) The Administrative Law Judge may direct the exchange of witness

lists and documents during a prehearing conference ordered under § 20.501 or may direct the exchange be accomplished by correspondence.

(c) The Administrative Law Judge may establish a schedule for conducting discovery in the proceedings and shall serve a copy of the schedule on each party.

(1) The schedule may include dates by which exchanges of witness lists and exhibits, requests for discovery, and any objections to discovery requests are to be filed.

(2) Unless otherwise ordered by the Administrative Law Judge, exchange of witness lists and documents shall be completed no less than 15 days prior to hearing, and final exchanges of proposed exhibits should be made in accordance with § 20.807.

(d) Further discovery shall be permitted only by order upon determination by the Administrative Law Judge—

(1) That such discovery will not in any way unreasonably delay the proceeding;

(2) That the information to be obtained is not otherwise obtainable;

(3) That such information has significant probative value;

(4) That the information requested is not cumulative or repetitious; and

(5) That the method or scope of discovery requested by the party is not unduly burdensome or expensive and is the least burdensome method available.

(e) A motion for discovery shall set forth—

(1) The circumstances warranting the taking of the discovery;

(2) The nature of the information expected to be discovered; and

(3) The proposed method of discovery and the time and place where it will be taken.

(f) If the Administrative Law Judge determines that the motion should be granted, the Administrative Law Judge shall issue an order for the taking of discovery together with conditions and terms.

§ 20.602 Additional response.

(a) A party or an interested person shall amend or supplement in a timely fashion—